

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SECOND LEGISLATURE

THIRTY-THIRD LEGISLATIVE DAY
FRIDAY, FEBRUARY 7, 2014

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 63 members present.

Absent – Anderson(01), Denney, Gestrin, Loertscher, Nielsen, Rusche, Stevenson. Total – 7.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Tahj McDaniel, Page.

Approval of Journal

February 7, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 6, 2014

Mr. Speaker:

I transmit herewith enrolled [S 1245](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1245](#) and, when so signed, ordered it returned to the Senate.

February 6, 2014

Mr. Speaker:

I return herewith enrolled [H 407](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 407](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 6, 2014

Mr. Speaker:

I transmit herewith [SJM 105](#), [S 1246](#), [S 1248](#), and [S 1249](#) which have passed the Senate.

NOVAK, Secretary

[SJM 105](#), [S 1246](#), [S 1248](#), and [S 1249](#) were filed for first reading.

February 6, 2014

Mr. Speaker:

I return herewith [H 385](#) which has passed the Senate.

NOVAK, Secretary

[H 385](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 7, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 40](#), [HR 5](#), [H 452](#), [H 453](#), [H 454](#), [H 455](#), [H 456](#), [H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), [H 463](#), [H 464](#), [H 465](#), [H 466](#), [H 467](#), [H 468](#), [H 469](#), [H 470](#), [H 471](#), [H 472](#), [H 473](#), [H 474](#), [H 475](#), and [H 476](#).

WILLS, Chairman

[HCR 40](#), [HR 5](#), [H 453](#), [H 454](#), [H 455](#), [H 456](#), [H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), [H 463](#), [H 464](#), [H 465](#), and [H 466](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 452](#) was referred to the Commerce and Human Resources Committee.

[H 467](#), [H 468](#), [H 469](#), [H 470](#), and [H 471](#) were referred to the Resources and Conservation Committee.

[H 472](#) and [H 473](#) were referred to the State Affairs Committee.

[H 474](#) was referred to the Revenue and Taxation Committee.

[H 475](#) and [H 476](#) were referred to the Health and Welfare Committee.

February 7, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 375](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 375](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 7, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 386](#), [H 387](#), and [H 388](#) to the Governor at 11:20 a.m., as of this date, February 6, 2014.

WILLS, Chairman

February 6, 2014

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [S 1235](#) and recommend that it do pass.

BARRETT, Chairman

[S 1235](#) was filed for second reading.

February 6, 2014

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 430](#) and recommend that it do pass.

ANDRUS, Chairman

[H 430](#) was filed for second reading.

February 6, 2014

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 403](#) and recommend that it do pass.

PALMER, Chairman

[H 403](#) was filed for second reading.

February 7, 2014

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 402](#) and recommend that it do pass.

COLLINS, Chairman

[H 402](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 5 BY AGRICULTURAL AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE COMMISSIONER OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Food Safety Modernization Act (FSMA) was approved by Congress in 2010 and signed into law in 2011; and

WHEREAS, the Food and Drug Administration (FDA) has issued proposed rules to implement FSMA; and

WHEREAS, compliance with these proposed FDA rules will be a financial burden and impossible or impractical throughout much of Idaho; and

WHEREAS, the FDA's proposed Produce Rule would require that irrigation water used to grow over 200 varieties of fresh produce must meet numeric water quality standards for primary contact recreation; and

WHEREAS, the Produce Rule from the FDA would further require water users to test their irrigation water and immediately cease the use of irrigation water that does not meet the numeric water quality standards for primary contact recreation; and

WHEREAS, the proposed FDA Produce Rule would further require water users to treat irrigation water so that it meets the required recreation standard, or to obtain an alternative irrigation water supply that meets the standard; and

WHEREAS, application of the proposed FDA Produce Rule would eliminate many existing surface irrigation water supplies from continued use for the growing of fresh produce in Idaho; and

WHEREAS, the total first-year cost of the FDA Produce Rule is estimated by the FDA to average \$30,566 per farm; and

WHEREAS, the FDA's proposed Transportation Rule would require certain shippers, receivers and carriers who transport food by motor or rail vehicles to take steps to prevent the

contamination of human and animal food during transportation; and

WHEREAS, the proposed Transportation Rule would establish requirements for vehicle and transportation equipment, transportation operations, information exchange, training, records and waivers; and

WHEREAS, the total first-year cost of the Transportation Rule is estimated by the FDA to average \$1,784 per business.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Commissioner of the Food and Drug Administration to suspend the imposition of rules to implement the Food Safety Modernization Act and to conduct a national review of the impact of the Produce and Transportation Rules and all future FSMA rules until such time as a clear understanding of their impact can be determined.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and the Commissioner of the United States Food and Drug Administration.

[HJM 5](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SJM 105](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 477 BY EDUCATION COMMITTEE AN ACT

RELATING TO CRIMINAL HISTORY CHECKS; AMENDING SECTION 33-130, IDAHO CODE, TO REVISE A FEE THE STATE DEPARTMENT OF EDUCATION SHALL CHARGE TO CERTAIN INDIVIDUALS.

HOUSE BILL NO. 478 BY EDUCATION COMMITTEE AN ACT

RELATING TO THE IDAHO STATE LOTTERY; AMENDING SECTION 67-7434, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF NET INCOME, TO MAKE TECHNICAL CORRECTIONS AND TO REMOVE A SUNSET PROVISION; AND AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE A CORRECTION CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 479 BY APPROPRIATIONS COMMITTEE AN ACT

PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE REVOLVING DEVELOPMENT FUND FOR FISCAL YEAR 2014; PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND FOR FISCAL YEAR 2014; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 480
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COMMUNITY DESIGN COMPONENT FOR COMPREHENSIVE PLANS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-6511, IDAHO CODE, TO PROHIBIT CERTAIN MANDATES AND REQUIREMENTS IN ZONING REGULATIONS AND CONSTRUCTION PERMIT CONDITIONS, TO PROVIDE THAT GOVERNING BOARDS MAY PROVIDE GUIDANCE AND SUGGESTIONS RELATING TO BUILDING AESTHETICS, TO PROHIBIT AESTHETIC OR BEAUTIFICATION STANDARDS THAT REQUIRE STRUCTURAL DESIGN MODIFICATION FOR CERTAIN STRUCTURES, TO RESTRICT THE APPLICATION OF A LIMITATION, TO PROVIDE THAT ORDINANCES MAY ESTABLISH CERTAIN STANDARDS FOR STRUCTURES WITHIN A DESIGNATED HISTORICAL DISTRICT AND TO PROVIDE THAT STANDARDS SHALL BE CLEAR, ASCERTAINABLE AND NOT BASED ON SUBJECTIVE CONSIDERATIONS.

HOUSE BILL NO. 481
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO THE TAXATION UPON MOTOR FUEL; AMENDING SECTION 63-2402, IDAHO CODE, TO REVISE THE TAX RATE UPON MOTOR FUEL OVER A TWO YEAR PERIOD.

HOUSE BILL NO. 482
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO PERSONAL PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602KK, IDAHO CODE, TO PROVIDE THAT A TAXPAYER SHALL NOT INCLUDE RATE-REGULATED PUBLIC UTILITIES AND RAILROADS.

HOUSE BILL NO. 483
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-3622N, IDAHO CODE, TO PROVIDE THAT EYEGLASSES AND CONTACT LENSES ARE EXEMPT FROM CERTAIN TAXES.

HOUSE BILL NO. 484
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INTERNATIONAL RESIDENTIAL CODE AND THE INTERNATIONAL ENERGY CONSERVATION CODE, TO PROVIDE PROCEDURES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE CORRECT BUILDING CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 485
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO INCOME TAXATION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029L, IDAHO CODE, TO PROVIDE FOR A STATE INCOME TAX CREDIT FOR CUSTOMER IN AID OF CONSTRUCTION IN QUALIFIED BROADBAND EQUIPMENT DEPLOYED FOR RESIDENTIAL AND SMALL BUSINESS BROADBAND SERVICE IN UNSERVED AREAS, TO PROVIDE FOR LIMITATIONS ON THE CREDIT, TO PROVIDE REQUIREMENTS FOR THE CREDIT, TO DEFINE TERMS AND TO PROVIDE FOR RULES AND A METHOD OF ATTRIBUTING THE TAX CREDIT; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 486
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO PROPERTY; REPEALING SECTION 55-2109, IDAHO CODE, RELATING TO TAXATION ON CONSERVATION EASEMENTS.

[H 477](#), [H 478](#), [H 479](#), [H 480](#), [H 481](#), [H 482](#), [H 483](#), [H 484](#), [H 485](#), and [H 486](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1246](#), [S 1248](#), and [S 1249](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 394](#) and [H 395](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[S 1213](#), [S 1236](#), and [S 1237](#), by Local Government and Taxation Committee, were read the second time by title and filed for third reading.

[H 363](#), by Business Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 378](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[H 378](#) - IDAHO DAY

[H 378](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 61.

NAYS – McMillan, Sims. Total – 2.

Absent – Anderson(01), Denney, Gestrin, Loertscher, Nielsen, Rusche, Stevenson. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 429](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 10, 2014. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 10, 2014. Seconded by Mr. Burgoyne. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:07 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk